



Indiana Pro Bono Commission
230 East Ohio Street, 4th Floor
Indianapolis, IN 46204

Indiana Bar Foundation
230 East Ohio Street, Suite 110
Indianapolis, IN 46204

COMBINED 2002 DISTRICT REPORT, 2004 PRO BONO GRANT APPLICATION, AND 2004 PLAN

Pro Bono District 3

Applicant: Judith Whitelock, Plan Administrator

Mailing Address: 904 S Calhoun

City: Fort Wayne, **IN** **Zip:** 46802

Phone: 260 407-0917 **Fax:** 260 407-7005

E-mail address: jwsfarm@aol.com **Web site address:** none

Judicial Appointee: David J. Avery

Plan Administrator: Judith Whitelock

Names of Counties served: Adams, Allen, DeKalb, Huntington, LaGrange, Noble,
Steuben, Wells and Whitley

Amount of grant received for 2002: none

*** Amount of grant unused from 2002 and previous years:** none

*** Amount of grant unused but committed to expenses in 2003:** none

Amount of grant received for 2003: \$40,660.00

Amount requested for 2004: \$94,255.00

*** Please submit request for approval to the Indiana Bar Foundation.**

PRO BONO DISTRICT NUMBER <u> 3 </u> LETTER OF REPRESENTATION

The following representations, made to the best of our knowledge and belief, are being provided to the Indiana Pro Bono Commission and Indiana Bar Foundation in anticipation of their review and evaluation of our funding request and our commitment and value to our Pro Bono District.

Operation under Rule 6.5

In submitting this application for funding, this district is representing itself as having a Pro Bono Plan, which is pursuant to Rule 6.5 of the Indiana Rules of Professional Conduct. The plan enables attorneys in our district to discharge their professional responsibilities to provide civil legal pro bono services; improves the overall delivery of civil legal services to persons of limited means by facilitating the integration and coordination of services provided by pro bono organizations and other legal assistance organizations in our district; and ensures access to high quality and timely pro bono civil legal services for persons of limited means by (1) fostering the development of new civil legal pro bono programs where needed and (2) supporting and improving the quality of existing civil legal pro bono programs. The plan also fosters the growth of a public service culture within the our district which values civil legal pro bono publico service and promotes the ongoing development of financial and other resources for civil legal pro bono organizations.

We have adhered to Rule 6.5 (f) by having a district pro bono committee composed of:

- A. the judge designated by the Supreme Court to preside;
- B. to the extent feasible, one or more representatives from each voluntary bar association in the district, one representative from each pro bono and legal assistance provider in the district, and one representative from each law school in the district; and
- C. at least two (2) community-at-large representatives, one of whom shall be a present or past recipient of pro bono publico legal services.

We have determined the governance of our district pro bono committee as well as the terms of service of our members. Replacement and succession members are appointed by the judge designated by the Supreme Court.

Pursuant to Rule 6.5 (g) to ensure an active and effective district pro bono program, we:

- A. prepare in written form, on an annual basis, a district pro bono plan, including any county sub-plans if appropriate, after evaluating the needs of the district and making a determination of presently available pro bono services;
- B. select and employ a plan administrator to provide the necessary coordination and administrative support for the district pro bono committee;
- C. implement the district pro bono plan and monitor its results;
- D. submit an annual report to the Commission; and
- E. forward to the Pro Bono Commission for review and consideration any requests which were presented as formal proposals to be included in the district plan but

were rejected by the district committee, provided the group asks for review by the Pro Bono Commission.

Commitment to Pro Bono Program Excellence

We also understand that ultimately the measure of success for a civil legal services program, whether a staffed or volunteer attorney program, is the outcomes achieved for clients, and the relationship of these outcomes to clients' most critical legal needs. We agree to strive for the following hallmarks which are characteristics enhancing a pro bono program's ability to succeed in providing effective services addressing clients' critical needs.

1. Participation by the local bar associations. The associations believe the program is necessary and beneficial.

2. Centrality of client needs. The mission of the program is to provide high quality free civil legal services to low-income persons through volunteer attorneys. Client needs drive the program, balanced by the nature and quantity of resources available. The staff and volunteers are respectful of clients and sensitive to their needs.

3. Program priorities. The program engages in a priority-setting process, which determines what types of problems the program will address. Resources are allocated to matters of greatest impact on the client and are susceptible to civil legal resolution. The program calls on civil legal services and other programs serving low-income people to assist in this process.

4. Direct representation component. The core of the program is direct representation in which volunteer attorneys engage in advocacy on behalf of low-income persons. Adjunct programs such as advice clinics, pro se clinics and paralegal assistance are dictated by client needs and support the core program.

5. Coordination with state and local civil legal service programs and bar associations. The programs work cooperatively with the local funded civil legal services programs. The partnerships between the civil legal services programs and the local bar association results in a variety of benefits including sharing of expertise, coordination of services, and creative solutions to problems faced by the client community.

6. Accountability. The program has mechanisms for evaluating the quality of service it provides. It expects and obtains reporting from participating attorneys concerning the progress/outcome of referred cases. It has the capability to demonstrate compliance with requirements imposed by its funding source(s), and it has a grievance procedure for the internal resolution of disputes between attorneys and clients.

7. Continuity. The program has a form of governance, which ensures the program will survive changes in bar leadership, and has operational guidelines, which enable the program to survive a change in staff.

8. Cost-effectiveness. The program maximizes the level of high quality civil legal services it provides in relationship to the total amount of funding received.

9. Minimization of barriers. The program addresses in a deliberate manner linguistic, sensory, physical and cultural barriers to clients' ability to receive services from the program. The program does not create undue administrative barriers to client access.

10. Understanding of ethical considerations. The program operates in a way which is consistent with the Rules of Professional Conduct; client confidentiality is assured and conflicts of interest are avoided.

11. ABA Standards. The program is designed to be as consistent with the ABA Standards for Programs Providing Civil Pro Bono Legal Services to Persons of Limited Means as possible.

No events, shortages or irregularities have occurred and no facts have been discovered which would make the financial statements provided to you materially inaccurate or misleading. To our knowledge there is nothing reflecting unfavorably upon the honesty or integrity of members of our organization. We have accounted for all known or anticipated operating revenue and expense in preparing our funding request.

We agree to provide human-interest stories promoting Pro Bono activities in a timely manner upon request of the Indiana Bar Foundation or Indiana Pro Bono Commission. We further agree to make ourselves available to meet with the Pro Bono Commission and/or the Indiana Bar Foundation to answer any questions or provide any material requested which serves as verification/source documentation for the submitted information.

Explanation of items stricken from the above Letter of Representation:

6. Clause re grievance – VLP of Northeast Indiana, Inc. is currently in the process of developing a grievance policy that will comply with the criteria for the internal resolution of disputes between attorneys and clients.

It is understood that this Letter does not replace the Grant Agreement or other documents required by the Indiana Bar Foundation or Indiana Pro Bono Commission.

Signatures:

Judicial Appointee Signature

Date

Plan Administrator Signature

Date

2002 REPORT AND 2004 PLAN SUMMARIES

- 1. In 125 words or less, please write a brief summary of your District's 2002 progress suitable for use in press releases.**

The year of 2002 was a year of transition for District 3 and the organization of volunteer lawyer services. Prior to 2002, the Volunteer Lawyer Program was a program operated under the auspices of Indiana Legal Services, and before ILS, by Legal Services of Maumee Valley. While the program had the support of the local attorneys, the volunteer lawyer program scope was limited by the priorities and the standards of eligibility established by the legal services organizations operating the program. In 2002, a decision was made to have the Volunteer Lawyer Program operate as an entity separate from the existing legal services organizations in the district. In August 2002, Volunteer Lawyer Program of Northeast Indiana, Inc. began operations. VLP has expanded the type of cases that are being accepted for legal representation and has established a more liberal standard of eligibility.

- 2. In 125 words or less, please write a brief summary of the 2004 grant request suitable for use in press releases related to any grant award. Suggested areas to cover are: needs to be addressed, methods, target audience, and anticipated outcomes.**

The District 3 Pro Bono Committee seeks 2004 funding for the operation of the volunteer lawyer program and the recognition of pro bono efforts in the district. Volunteer legal services are the backbone of pro bono services for those in need of no-cost or low-cost legal services. The funding is primarily used to provide the cost of organizing and administering the volunteer lawyer program. During 2004, VLP of Northeast Indiana, Inc. plans to:

1. Increase the number of attorneys and paralegals participating in the VLP program.
2. Target the services of retired or semi-retired attorneys.
3. Form an advice-only panel of volunteers.
4. Increase the ability to respond to inquiries and perform intakes and referrals.
5. Maintain the coordination of services between the pro bono providers in the district.

2002 REPORT

In the next two pages, describe your District's 2002 achievements and activities in relation to the plan approved for 2002 funding. It is permissible to include a relevant number of appendices to further describe 2002 achievements. Please number and reference the appendices.

The District 3 Pro Bono Committee determined that they would form an independent 501(c)(3) corporation in the spring of 2002 to serve as a centralized source for implementation of pro bono services; to more fully serve the needs of the people of District 3; and to better utilize the skills of the attorneys in the district in meeting those needs. As a part of this decision making process, meetings were held with the Allen County Bar Association Pro Bono Committee and the ACBA Foundation Board. The District Pro Bono Committee chairman also involved the members of the judiciary in this process.

The preparatory work for this endeavor was done during the early summer, including the formation of a board of directors which included representatives from each of the counties in the district; the filing of the articles of incorporation; and the preparation of the application for 501(c)(3) status. Office space was secured, a director was engaged, and operating plans were prepared. Letters were sent to all the attorneys in the district, telling them of the new entity and inviting them to return their attorney registration forms indicating the areas of practice in which they would accept referrals from the Volunteer Lawyer Program of Northeast Indiana, Inc. (VLP). The official announcement of the opening was made on July 31, 2002 and the office opened for business on August 1, 2002.

The VLP Board of Directors includes attorney representatives from each of the nine counties in the judicial district and two judges. It also includes representatives from the other programs providing legal services in the district. The quarterly meetings are held in Fort Wayne, with those persons who are not able to attend in person participating by conference call.

Client Intake

The VLP receives direct intakes four mornings a week from clients by telephone. Callers are screened for financial eligibility and legal problems to ensure that they are within the scope of the services we can offer. As appropriate, callers are referred to the Allen County Bar Association Referral Service and Legal Line programs; to Legal Services of Maumee Valley, Inc. and to Indiana Legal Services. Callers with eligibility and matters which are appropriate for the VLP services provide further information about the case and sign retainer forms before being referred to a private attorney or the clinic program for assisted pro se dissolution of marriage.

Volunteer paralegal involvement

Volunteer paralegals also participate in this activity. The Lincoln National Life Insurance Company Law Division and the Allen County Bar Association have allowed their paralegals time to come to the VLP office to assist with this intake process each week.

Expanded service in the domestic relations area

The clinic services provided by the VLP for pro se dissolution of marriage enable clients to do much of the work for their divorces. The clinic provides information and directions from an attorney in family law practice, the appropriate documents as approved by the court, and a support resource.

2002 REPORT, CONTINUED

The VLP also provides copies of the pro se materials that are available on the Indiana Supreme Court web site in the areas of post-dissolution modification and contempt proceedings for those persons not having direct access to those materials

Programs of legal education

Talk To A Lawyer Today

The VLP participated in the January 20, 2003 Indiana State Bar Association sponsored program at the VLP office as one of the sites for the state-wide activity. Thirty-three attorneys and four paralegals were involved at the VLP and Allen County Bar Association offices. There were three sessions of CLE video replays of the training which was given in Indianapolis for the participating attorneys, which offered six hours of credit. The entire program was enthusiastically received by all and plans are being made to expand it into other counties in the district next year.

Recognition event

The recognition event for attorneys was held in November, 2002. Awards for attorney of the year were given in each of the nine counties in the district and the law firm of the year award was given in Allen County. Volunteer attorney Robert Nicholson of Beckman Lawson discussed his involvement in a landmark VLP case which resulted in a positive outcome for the client.

Partnerships

VLP developed partnerships for service to clients with the following agencies: Mental Health Association, Fort Wayne Community Schools, and Love In Deed.

<u>2002 VOLUNTEER LAWYER ACTIVITY</u>				
Legal Service Provider Agency or Organization (Include Bar Associations)	Number of Participating Volunteer Lawyers	Number of Volunteer Lawyer Hours Reported on Cases Closed in 2002	Number of Open Volunteer Lawyer Cases	Number of Low-income Citizens Receiving Limited Legal Information from Volunteer Lawyers*
Allen County Bar Association Legal Line`	25	n/a	n/a	(999)
VLP				
Referrals	118	303.55	164	
Clinic	1	16	69	69
Talk to A Lawyer Today	32	64	104	(104)

*This category includes Volunteer Lawyer public outreach to low income citizens for a one-time, limited contact such as call-in or walk-in information services, pro-se clinics and panel presentations. Please put in parentheses the number of citizens whose income was not determined.

Definitions:

Case: A legal matter referred to a pro bono attorney volunteer

Participating Volunteer Lawyer: An attorney who has rendered pro bono service to at least one low-income client during the year or accepted a pro bono referral from the identified program.

2002 VOLUNTEER LAWYER ACTIVITY, CONTINUED *

Please list any volunteer lawyer activity category utilized by the organization receiving Pro Bono funding which was not included in the previous table. Include the definition and 2002 statistics for the category.

The VLP receives calls from potential clients four days a week. The following reflects the statistics for 2002 calls received which are not included in the previous table.

Eligible for program, but not referred for a wide variety of reasons, Including non-response to initial letter. 	161
Other callers, referred to other programs (Allen County Bar Association Referral Service, ACBA Legal Line, ILS, LSMV), over income level, not a legal issue, criminal matter, already had an attorney, matters in another state or district, etc.	644

The Executive Director of Volunteer Lawyer Program of Northeast Indiana contributed 790.5 hours to the program in 2002.

In order to make reporting more consistent and concise in the future, please list the various categories used by legal service providers in your district for recording volunteer lawyer activity. Define each category. (If more than one agency or organization has the same category and definition, please list it once, indicating the number of organizations using the category.)

Other categories – Insurance matters

2002 VOLUNTEER LAWYER ACTIVITY BY TYPE OF CASE

Number Of Lawyers Participating In Pro Se Clinics, Call-In Services And Other Limited Informational Activities in 2002: 58.

Type Of Case (Primary Issue)	Total Of All District Legal Service Pro- vider Active Cases Assigned To And Accepted By A Volunteer Lawyer.
Consumer/Finance	187
Education	26
Employment	207
Family	348
Guardianship	126
Juvenile	13
Health	14
Housing	59
Immigration/Naturalization	3
Income Maintenance	15
Individual Rights	59
Mediation	----
Wills & Estates	41
Other (specify)	1 (recommendation to the court)
Total Number of Cases	1099

2004 PLAN AND REQUEST

In the following two pages, describe items or activities planned for 2004 for which funding is requested.

If a special event, such as a pro se clinic, volunteer banquet, or Continuing Legal Education seminar is planned, please include the total projected cost of the event in parenthesis at the end of the descriptive paragraph.

Intake and screening of prospective clients

1. Intake and screening of clients is open 9:00 am to 11:30 Monday through Thursday each week by telephone only. Initial questions determine the caller's financial eligibility and the nature of the legal problem. This process is handled by the executive director and volunteer paralegals.
2. Attorneys will be recruited to contribute time in one hour segments to talk to callers to review the legal problems and determine if brief advice is needed or if the problem requires the involvement of an attorney. The attorneys will be encouraged to take the cases in their areas of practice. The remaining cases will then be referred to other VLP attorneys for representation.
3. Cooperative arrangements are in place to accept direct referrals of eligible clients from Legal Services of Maumee Valley, Inc. in instances where the legal matter is not covered by their program and has the potential of being covered by the VLP. The letters of rejection sent by the Fort Wayne office of Indiana Legal Services direct the potential clients to contact us directly for possible services when they do not have any openings.
4. VLP will continue to partner with the Allen County Bar Association, the Mental Health Association, Fort Wayne Community Schools, Love In Deed, Inc. and with the Allen County Public Library in referral of clients and distribution of information about available legal services. We will increase this outreach to other interested groups.

Providing referral of prospective clients

Matching cases with individual attorney experience

1. Clients will be referred to attorneys according to the practice areas indicated by them. The attorney will be notified of a pending referral and given a week to check for conflicts or other issues which would prevent representation.
2. The intake materials will then be sent to the attorney. Clients will be notified at that time of the referral information and will have the responsibility of contacting the attorney and making appointments and providing other information and materials as required.

2004 PLAN AND REQUEST, CONTINUED

Providing legal education and training for pro bono attorneys in areas of practice emphasis useful in providing pro bono civil legal service

1. A continuing legal education seminar will be held in conjunction with the Talk to a Lawyer Today program in order to provide an overview of the most common issues raised by the general public. (\$250.00, local costs, if part of state-wide program)
2. The VLP Board of Directors will review the areas of practice where assistance is most widely requested and plan legal education training that will increase the number of attorneys able to provide services.

Providing malpractice insurance for volunteer pro bono lawyers

The Volunteer Lawyer Program of Northeastern Indiana, Inc. provides coverage for malpractice for VLP cases to all attorneys participating in the program. This coverage has been in place since the beginning of our operations. (\$1,125.00)

Establishing and/or maintaining procedures to ensure adequate monitoring and follow-up

1. The VLP sends two follow-up forms at the time of the initial referral. One is for reporting on the first interview and the second is used at case closing.
2. Periodic updates are requested from all attorneys with open cases to ascertain the current status of the cases.

Establishing and/or maintaining procedures to measure client satisfaction

1. Client satisfaction surveys are being developed to be included with closing letters to clients.
2. Clinic participants have a completion rate in the ninety percent range which is a clear indicator of satisfaction with the program and of the program's effectiveness.
3. Client satisfaction in a purely anecdotal way is clear by the numerous times that callers comment that this is the first time that anyone has actually listened to their story and tried to help them, even in the instances that no referral can be made for direct representation.

Recognizing pro bono civil legal service by lawyers

1. An annual recognition event is planned to recognize all attorneys who have participated in the VLP in the proceeding year. This event includes a luncheon and a speaker on a pro bono topic of interest to all. Awards are given to the "Attorney of the Year" in each of the nine counties in the district. Additionally an award for the "Firm of the Year" is given to the firm in Allen County with the most significant participation. (\$3,000.00, including awards)

2004 PLAN AND REQUEST, CONTINUED

2. The volunteer paralegals will be formally recognized this year for the first time with an event and an award for the most significant contributions over the year.

(Amount for this event is \$400.00)

Providing community outreach, legal education services or programs

1. The pro se clinics in the field of uncontested, no minor children, no joint property dissolutions of marriage are a continuing project of the VLP. Five clinics, each consisting of two sessions, will be held each year. A volunteer attorney conducts the sessions which provide guidance in preparing the required documents, which are provided; in negotiating the filing process at the courthouse; and other steps in obtaining a dissolution.

Amount for these events is included in the general budget as it is primarily copying costs for the materials.

2. "Talk to a Lawyer Today" This event was first held in January, 2003 and proved to be very well received among both the legal community and the general public. All involved were enthusiastic about its continuance and want to extend the program into other counties in the district. The day-long program will involve a primary site for people to come and speak directly with volunteer attorneys. There will be primary sites in as many of the counties in our district as can be arranged and staffed. A call-in site will be available for those who are unable to come, staffed by volunteer attorneys. There is no restriction on the types of legal matters nor is there any income/resources qualification for the general public. Information about the program will be distributed as widely as possible throughout the district, using mass media and contacts with social service and other community agencies..

(Amount for this event is \$1,000.00 Note: this amount is the local cost only)

3. Clinic programs. It is planned to expand the clinic program to include other areas of family law and add consumer issues. These programs initially are planned to be educational in nature so that more people can obtain good information on subjects of concern to them.

(\$250.00)

2004 PRO BONO DISTRICT ACTIVITIES

Please check the activities, which your district organization will provide during 2004 to support the pro bono efforts of the attorneys in your district. If the activity is provided by another organization in your district, please put a plus sign (+) in the blank following the activity.

- _____ Providing intake and screening of prospective clients _____
- _____ Providing referral of prospective clients _____
- _____ Matching cases with individual attorney experience _____
- _____ Establishing and/or maintaining specialized panels of volunteer lawyers based on area of practice emphasis _____
- _____ Providing resources for litigation and out-of-pocket expenses _____
- _____ Providing legal education and training for pro bono attorneys in areas of practice emphasis useful in providing pro bono civil legal service _____
- _____ Providing the availability of consultation with attorneys whose practice concentration is in an area of law about which a volunteer lawyer is providing pro bono civil legal service (mentoring) _____
- _____ Providing malpractice insurance for volunteer pro bono lawyers _____
- _____ Establishing and/or maintaining procedures to ensure adequate monitoring and follow-up _____
- _____ Establishing and/or maintaining procedures to measure client satisfaction _____
- _____ Recognizing pro bono civil legal service by lawyers _____
- _____ Providing community outreach, legal education services or programs _____
- _____ Other _____
- _____ Other _____

2004 PRO BONO DISTRICT ACTIVITIES, continued

1. List the joint efforts, activities or programs in which your district organization will be involved. Please include the name of the other organization(s), a brief description of the activity and a description of the resources provided to the effort by all participating organizations.
 - a. District 3 will be involved in joint activities with the Allen County Bar Association, the Mental Health Association, Fort Wayne Community Schools, Love In Deed, Inc., the Allen County Public Library, Legal Services of Maumee Valley, Inc. and Indiana Legal Services. These activities consist of cooperative client referrals and providing services that the partnering organization does not have available. Resources are provided by each organization as appropriate.
 - b. We will participate in "Talk to A Lawyer Today", the state-wide program of the ISBA. The ISBA provided leadership and direction state-wide and the Indianapolis Bar Association provided materials for the continuing legal education programs prior to the TTALT event. VLP provides leadership in District 3, volunteers, space, and appropriate materials.
 - c. The Volunteer Lawyer Program is open to partnerships with any community organizations who share our commitment to providing services for persons of limited means. Additionally, we will make presentations regarding our program and services as requested..
2. Number of cases in your district awaiting assignment to a Volunteer Pro Bono Attorney as of the date this report is prepared: 50
3. Percentage estimate of the types of cases awaiting assignment: Family – 48%; Consumer/Finance/Bankruptcy – 32%; Wills, etc – 6%; Income Maintenance – 4%; Guardianship – 4%; others include Employment, Insurance, and Housing
4. List the efforts that will be made to recruit new pro bono volunteer lawyers:

This is an ongoing project. Currently in the drafting stage are letters to persons who participated in the program while it was a part of the legal services programs and a different letter to all other attorneys in the district who are not involved as yet. These letters will offer volunteers new ways to participate with the VLP. We are taking the position that virtually every attorney can serve as a member of the Volunteer Lawyer Panel in a way best suited to his/her interests and abilities.

Personal contacts by members of the board of directors and the executive director are also regularly used to recruit new members for the panel.

2004 DISTRICT BUDGET FORM

COST CATEGORY	IOLTA \$	OTHER \$	DONATED	TOTAL	2003 Revised & Estimated
A. Personnel Costs					
1. Plan Administrator	29,910			29,910	29,040
2. Lawyers					
3. Paralegals	21,500			21,500	
4. Others					
5. Salary Subtotal	51,410			51,410	29,040
6. Employee Benefits	1,920			1,920	840
7. Total Personnel Costs	53,330			53,330	29,880
B. Non Personnel					
1. Occupancy	28,200			28,200	27,000
2. Equipment Rental					
3. Office Supplies	1,500			1,500	1,200
4. Telephone	1,200			1,200	500
5. Travel	250			250	100
6. Training	1,000			1,000	1,000
7. Library					
8. Malpractice Insurance	1,100			1,100	975
9. Dues and Fees	175			175	150
10. Audit	1,400			1,400	1,200
11. Contingent Reserve Fund for Operating Expenses					
12. Marketing and Promotion					
13. Litigation (Includes Expert Fees)	500			500	500
14. Property Acquisition					3,303.75
15. Purchase Payments					
16. Contract Services to Clients					
17. Contract Services to Program	2,200			2,200	2,000
18. Other	3,400			3,400	3,000
19. Total Non Personnel Costs	41,925			41,925	40,928.75
C. Total Expenditures	94,255			94,255	70,808.75
1. Total Program Disbursements					
2. Litigation Fund *					

*Reserves in this category are not required to be resubmitted to the IBF if not spent during the allocation calendar year.,

ANNUAL TIMETABLE FOR SUBMISSION OF FORMS AND CHECKS:

January 1:	Checks distributed
July 1:	Annual report, plan and grant application due to IPBC
November:	Notification of awards
December 1:	IBF grant agreement due and revised budget due (as needed)